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# Convention on the Rights of Persons with Disabilities

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**Committee on the Rights of Persons with Disabilities**
**Eighteenth session**

**Summary record of the 344th meeting***
Held at the Palais des Nations, Geneva, on Monday, 21 August 2017, at 3 p.m.

Chair: Ms. Degener

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*Initial report of Latvia*

* No summary record was issued for the 345th meeting.

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by parties to the Convention under article 35** (*continued*)

*Initial report of Latvia* (CRPD/C/LVA/1; CRPD/C/LVA/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Latvia took places at the Committee table.*

2. **Mr. Alliks** (Latvia), introducing his country's initial report (CRPD/C/LVA/1), said that his delegation hoped to gain from the interactive dialogue a clear assessment of the country's progress in implementing the Convention and guidance on the way forward. The report reflected input from all levels of government and from civil society, including organizations of persons with disabilities.

3. The Ministry of Welfare was the focal point for implementing the Convention, while the Office of the Ombudsman was responsible for monitoring implementation. Ministries were responsible for implementing the Convention's provisions in their respective sectors. The main policy document, the Guidelines for Implementation of the Convention on the Rights of Persons with Disabilities for the period 2014-2020, was complemented by shorter-term action plans. Measures for implementing specific aspects of the Convention were also included in other major policy guidelines and plans They covered areas such as social services and social work, inclusive labour markets, inclusive education, health care and the transition from long-term institutional care to community-based services.

4. Since signing the Convention, Latvia had, despite a severe financial crisis, managed to keep disability-related social spending at pre-crisis levels and even introduce new services. It had reformed some legislation affecting persons with disabilities and introduced policies and support services to enable the participation of such persons in the labour market. With funding from the European Union, his Government was working to develop independent living and community-based services.

5. His country also contributed to enhancing the visibility of disability issues at the regional level. During its presidency of the Council of the European Union in 2015, Latvia had hosted a high-level meeting on such issues. It had also organized a conference on deinstitutionalization and further development of social care policy in Europe. The conference had brought together a wide range of stakeholders from European Union member States. During the Latvian presidency, the Council had also adopted conclusions on disability-inclusive disaster management.

6. His Government was aware that closer inter-institutional cooperation would be needed in order to fully implement the Convention. It was committed to ensuring that persons with disabilities could participate fully in the celebration, in 2018, of the 100-year anniversary of the first Latvian Republic's founding. The organizers would receive guidelines for achieving that goal.

7. **Mr. Jansons** (Ombudsman, Latvia) said that he was grateful for the opportunity to cooperate with the Committee on issues affecting persons with disabilities in Latvia. His office, which was the official independent mechanism for monitoring implementation of the Convention in Latvia, collaborated with State institutions on various issues regarding the Convention's implementation. Some of his recommendations had been taken into consideration; his report to the Committee detailed those that had not. While he considered all the points in his report to be of the utmost importance, he invited the Committee to focus in particular on his comments regarding the implementation of articles 7, 9, 11-13, 15, 19, 20, 22-26 and 28. As the Government had provided more information about the legal framework for implementation than about implementation itself, it was especially important to now discuss the latter. The waiting time for access to technical aids and rehabilitation services, and the quality of technical aids, remained areas of particular concern that he had been highlighting since 2011.

8. **Mr. Ruskus** (Country Rapporteur) said that the State party was to be commended for including input from organizations of persons with disabilities in its report. The adoption of an action plan for deinstitutionalization was a welcome step, as was the

promotion of universal design principles, which had made some historical sites and resort areas accessible to persons with disabilities.

9. Nevertheless persons with disabilities in Latvia still faced many challenges. For example, disability was still viewed as a medical rather than a human rights issue. Despite recent legal reforms, assessment of the degree of disability — for example, when gauging fitness for work — still prioritized a medical approach. Meanwhile, fundraising campaigns showcasing children with disabilities suggested that persons with disabilities were objects of charity. All that implied that such persons were somehow deficient.

10. Discriminatory laws regarding guardianship and partial legal capacity remained on the books despite amendments in 2013 to civil law. There was a lack of understanding of alternatives to the restriction of legal capacity, such as supported decision-making, and organizations of persons with disabilities were to be commended for putting their weight behind initiatives to implement supported decision-making mechanisms.

11. The slow pace of deinstitutionalization was a cause for concern. Allegedly people were sometimes, under the guise of deinstitutionalization, merely transferred from one institution to another. Municipalities were not sufficiently committed to deinstitutionalization, and there was little knowledge about independent living as a rights-based provision. In particular, persons with psychosocial or intellectual disabilities could be sent to psychiatric institutions if their communities did not offer appropriate treatment. The high number of deaths among institutionalized adults with such disabilities was alarming. Also worrisome was the fact that children with disabilities remained in long-term care centres owing to a lack of community-based early intervention and other services needed by them and their families. The European Union provided significant funding for deinstitutionalization and there was thus no excuse for the State party to miss an opportunity to develop independent living arrangements.

12. The Committee was concerned that most children with disabilities still attended special schools or were homeschooled because of the insufficient accessibility of schools, and that women and girls with disabilities were invisible in discrimination-related national legislation and policies.

13. He wished to stress several other points. First, the State party must implement the Sustainable Development Goals in line with the Convention. Second, it must include the questions developed by the Washington Group on Disability Statistics among its tools for collecting data Third, he wished to draw attention to the Committee's general comment No. 1 (2014), on equal recognition before the law, and to its guidelines on article 14 of the Convention, according to which forced institutionalization and treatment contravened the obligations of States parties under the Convention and the human rights model of disability enshrined therein. He also wished to recall that article 4 of the Convention prohibited State parties from engaging in any act or practice inconsistent with the Convention, including the drafting of such norms, statutes or regulations in the context of their participation in the work of regional organizations.

*Articles 1-10*

14. **Mr. Basharu** said that serious concern had been expressed about the participation of persons with disabilities and organizations representing them in decision-making. He would appreciate an explanation of how they were included in decision-making processes and why some major organizations chose not to be represented on the National Council on Disability Affairs.

15. The State party had provided very little information regarding women and girls with disabilities. He would like information about how their full inclusion and participation in decision-making processes were ensured, and about efforts to prevent discrimination against them. Also, he would like to know what steps were being taken to end the exploitation of children with disabilities in televised fundraising campaigns.

16. **Mr. Chaker** asked what mechanisms were in place to ensure that awareness-raising activities gave life to laws and policies on behalf of persons with intellectual and psychosocial disabilities.

17. **Mr. Parra Dussan** said that the legal definition of disability should be harmonized with that in the Convention. He asked whether the State party's legislation contained a clear definition of discrimination on the basis of disability, whether there were statistical data regarding acts of such discrimination, and how they were punished. He asked the delegation to comment on the fundraising campaigns mentioned by Mr. Ruskus and Mr. Basharu.

18. **Mr. Rukhledev** asked how the State party implemented article 8 of the Convention, on awareness-raising, to combat stereotypes, prejudice and harmful practices with regard to persons with disabilities. Regarding article 9, he wished to emphasize that not only physical infrastructure such as public buildings and transport but also information should be accessible to persons with disabilities. Did the State party use information and communication technologies for that purpose? Was it training sign language interpreters?

19. **Mr. Tatić** asked why the report used the term "integration" instead of "inclusion". Noting that Latvian legislation prohibited employment-related discrimination against persons with disabilities, he wondered if there were plans to expand the prohibition to other areas such as the provision of goods and services, health care and education. He would like statistical data on cases in which individuals or legal entities had been punished for not applying accessibility standards. He asked whether architecture and engineering curricula, as well as continuing education programmes for members of those professions, were required to cover universal design and accessibility principles, and whether the Committee's general comment No. 2 (2014), on accessibility, had been translated into Latvian. Lastly, he wondered how easy it would be for a wheelchair user to visit Riga. How accessible were the airport, the public transport system, hotels, government buildings and other public institutions?

20. **Mr. Kabue** said that he would like more information on how persons with disabilities participated in policy formulation and implementation, and on how the Ministry of Welfare, as the focal point for implementing the Convention, and the National Council on Disability Affairs collaborated with organizations of persons with disabilities.

21. He asked whether the use of children with disabilities in televised fundraising appeals was deliberate or an oversight, regular or occasional. Did the State party have a policy in that regard? In any case the practice must stop.

22. **Mr. Kim** Hyung Shik asked how the classification of disabilities as "moderate", "severe" and "very severe" was used and whether it complied with the Convention's definition of disability. He would like an explanation of the cooperation between the Ministry of Welfare and other ministries, and particularly of how conflicts were handled. He asked how actively the State party had solicited the participation of representatives of persons with disabilities in the development of national policies on disability and in the preparation of the report. He wondered what support was provided to parents of children with disabilities.

23. **Mr. Buntan** asked how many complaints had been lodged regarding cases of discrimination on grounds of disability and whether data were available on remedies awarded. Reports indicated that children with disabilities who lived with their families rather than in institutions could not gain access to assistive devices; how was the Government intending to rectify that situation? He also wished to hear how the public procurement policy had improved accessibility for persons with disabilities in the areas of the built environment, transport and information technology, and whether the standards used for the latter were based on international norms.

24. **Mr. Babu** said that he would like to know whether the Government had adopted national guidelines on accessibility for persons with disabilities. He would also welcome details on the causes of the deaths in State-run social care institutions in 2015 and any inquiries that had been conducted into them.

25. **Mr. Ahsif** said that he would like to hear about measures to protect children with disabilities from physical ill-treatment and exploitation and provide support for their families. Information would also be welcome on any media strategy for raising awareness of the rights of persons with disabilities.

26. **The Chair** said that, given the need to combat multiple discrimination, she had been surprised to hear no mention of a programme to empower women with disabilities. She was also concerned that there were 60 special schools for children with disabilities in the country and wondered whether there had been any transition to inclusive education since ratification of the Convention.

27. **Mr. Ruskus** said that, in the light of reports that persons, including children, with intellectual disabilities did not qualify for government support, he would like clarification of the certification procedure used.

*The meeting was suspended at 3.55 p.m. and resumed at 4.15 p.m.*

28. **Mr. Alliks** (Latvia) said that his country was developing new services to facilitate the transition from a medicalized approach to an inclusive social model of disability, encouraging independent living and active participation in society. The principle of equality was enshrined in the Constitution, meaning that there could be no discrimination on grounds of disability in employment legislation, consumer rights or any other area. The organization of public services, education, social assistance and so on fell within the mandate of the autonomous municipal authorities, which worked to promote the interests of all citizens, including persons with disabilities. Ratification of the Convention had led to increased awareness of the rights of persons with disabilities, with the dissemination of information through seminars and projects organized by State bodies and non-governmental organizations (NGOs).

29. **Ms. Celmiņa** (Latvia) said that the level of disability — moderate, severe or very severe — was determined by a commission of medical experts. Since changes to the system in 2015, functional impairments, including loss of the ability to work, had been taken into account, and other kinds of experts, such as psychotherapists, were also now involved in the assessment. The person concerned — who was not required to be physically present — was asked to provide a self-assessment.

30. The National Council on Disability Affairs had been set up by the Ministry of Welfare in 2007 and approved by the Cabinet of Ministers. While in the past its emphasis had been on integration, it now focused more on inclusion and on considering the rights of persons with disabilities. Chaired by the Minister of Welfare, the Council was composed of representatives of other ministries, the Ombudsman's Office, organizations of persons with disabilities, trade unions, the employers' federation and other NGOs. The Council met at least four times each year and could invite other organizations to participate in its deliberations. They in turn could request that particular topics be included in the Council's workplan. It also consulted external experts, including persons involved in implementation of the European Regional Development Fund and the Cohesion Fund in the area of environmental accessibility, for which guidelines had been introduced in 2011 and would be updated in 2017. Her ministry offered lectures on the concept of universal design to staff of ministries, architects and other professionals to raise their awareness and promote a common understanding of requirements in all parts of the Government.

31. Media policy guidelines included the development of a code of ethics for the industry, and a media ombudsman would be appointed in 2018; any unethical representation of children in the media would be prohibited. NGO fundraising work was not coordinated with the Government, but the issue mentioned would be raised with the relevant fundraisers.

32. The rules of the Cabinet of Ministers ensured that the development of policy planning documents included consultation of the target group in question early in the process; any proposed amendments could be submitted to the relevant ministry and must then be included in the documents put to the Cabinet of Ministers.

33. In respect of gender equality, the number of women and men with disabilities had grown in equal proportions over recent years and their needs were assessed on an individual basis, regardless of gender. The Ministry of Welfare was developing a gender equality plan that would be connected to the disability action plan. Since 2014, victims of violence had been entitled to social assistance, subject to an individual assessment of their needs and resources; approximately 4 per cent of the recipients were women with disabilities.

34. Although the Committee's general comment No. 2 (2014), on accessibility, was available only in English in Latvia, it could be translated into Latvian before the end of 2017. Children with disabilities were provided with support staff in schools from the age of 5 years, and, from 2017, a broad range of social services had been made available to younger children with the help of European funding.

35. **Mr. Ivanovs** (Latvia) said that children with disabilities were provided with assistive devices, including modern aids such as audiovisual communication technology, whether they lived in institutions or with their families. The Government was working with NGOs to evaluate the functioning of the public procurement system and considering the introduction of more direct methods of making devices available. There were approximately 100 sign language interpreters available in the country to help persons with hearing impairments. The families of children with functional impairments could access services including family consultations and support for parents as well as for children, notably through the increased number of day-care centres. As a result of improved facilities and staff training, the number of deaths in care had fallen from 13 children in 2010 to 2 in 2016.

36. **Ms. Reigase** (Latvia) said that children with disabilities were considered learners with special needs. The main aim of the guidelines on education policy for the period 2014-2020 was to provide high-quality inclusive education for the well-being of both the individual and society. There were still many special schools in the country, but inclusion had been made a priority and children with special needs were increasingly provided for in 415 of the country's 705 mainstream schools; the system would be completely reformed in 2018. Twelve of the special schools had become resource centres that offered help to parents and advice and training for teachers from mainstream schools. An interministerial working group was consulting with parents' organizations to develop an appropriate basket of services to be provided in all schools.

37. **Ms. Pabērza-Draudiņa** (Latvia) said that municipalities had autonomy in monitoring and budget implementation, including the provision of social assistance for vulnerable groups. The Ministry of Environmental Protection and Regional Development could give its opinion on regulations issued by the municipalities: it had given 79 negative opinions in 2016 and 33 thus far in 2017.

38. Ensuring the accessibility of municipal buildings was the responsibility of the municipalities, a number of which received funding for that purpose from the European Structural and Investment Funds. The State awarded grants for the development of one-stop agencies for public services provided that the proposed agencies met accessibility requirements. Environmental accessibility was a guiding principle of the Construction Law, which served as the basis for all building regulations in Latvia.

39. The websites and mobile applications of the country's public institutions would be required to meet common European accessibility requirements starting in September 2018. A pilot project, which would involve the development of a shared content-management platform, had been launched by the State Chancellery to ensure that Latvia would be in a position to implement Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies. The budget for the project was approximately €2 million.

40. **Mr. Lazarevs** (Latvia) said that the Ministry of the Economy was responsible for coordinating and monitoring construction policies. Policies were drafted or amended in consultation with other stakeholders, including relevant NGOs. In 2015, for instance, NGOs had been involved in a revision of accessibility standards. Developers whose plans did not comply with building regulations, including those regarding accessibility, would be denied building permits, and completed buildings that were not in compliance would not be approved. All building specialists, including architects, were expected to be familiar with building regulations. Their licences could be suspended or revoked if they failed to comply with them. Environmental accessibility was a major principle of construction.

41. Detailed guidelines on the accessibility requirements for public buildings had been published in 2016. Riga International Airport had recently been renovated and was accessible to persons with disabilities, as was an increasingly large part of Riga itself. The

Ministry of the Economy, in cooperation with the Ministry of Welfare and NGOs, had given talks on accessibility to various audiences involved in public constructions projects.

42. **Ms. Ļeonova** (Latvia) said that providers of suburban and regional public transport services had until 2022 to achieve full compliance with relevant standards, while city transport services had until 2024. Half of all regional buses were accessible to persons with disabilities, and the operators of buses that were not accessible were required to offer transport on demand, with 72 hours' notice, to such persons. In Riga, 74 per cent of the means of transport were accessible. The wheelchair lifts on the trains in Riga had been used 786 times from 2014 to 2017.

43. **Ms. Celmiņa** (Latvia) said that the results of a Eurobarometer survey on discrimination, which was administered every three years and had been conducted most recently in 2015, shed considerable light on attitudes towards persons with disabilities and could be used to inform efforts to combat discrimination against such persons. The results of surveys by the Office of the Ombudsman were also useful. The Ministry of Finance was conducting an audit of the accessibility of public services and information. The audit would culminate in specific recommendations on removing barriers and improving accessibility.

*Articles 11-20*

44. **Mr. Kabue** asked what legal assistance — beyond sign language interpretation and courtroom accommodations — was available to persons with disabilities whose rights had been violated. He asked what opportunities persons with disabilities had to live independently in the community. Information on opportunities in respect of housing, sustenance and living with dignity would be especially welcome.

45. **Mr. Chaker** asked whether the delegation could provide information on measures taken to ensure access to justice for women, children and older persons with disabilities who had endured abuse, physical or psychological ill-treatment, sexual violence or exploitation.

46. **Mr. Basharu** said that he would welcome information about measures in place to ensure the safety of deaf persons in situations of risk and emergencies. He would also welcome information about access to justice, including physical access and access to information, for persons with disabilities, in particular those who were blind or deaf and those with psychosocial or intellectual disabilities.

47. It would be interesting to learn more about the State party's current deinstitutionalization efforts. He wondered whether smaller group homes and halfway houses were not simply institutions by another name. Lastly, he asked whether any efforts had been made to reform the system for the provision of assistive devices so that the recommendations of family doctors did not always take precedence over the needs of the prospective users of the devices.

48. **Mr. Rukhledev** said that he would encourage the Government to provide greater support for the study and development of Latvian Sign Language. He wondered who paid for sign language interpretation in judicial proceedings involving deaf persons and whether organizations of deaf persons were involved in the certification of sign language interpreters.

49. **Mr. Tatić**, welcoming the State party's plans to translate general comment No. 2 into Latvian, suggested that the Latvian authorities would do well to ensure that all four of the Committee's general comments, in addition to the forthcoming general comment on the right to independent living, were available in Latvian. He asked whether the State party had any plans to develop a database of information on cases of violence against persons with disabilities, in particular women and girls and children in institutions. It would be interesting to learn more about how the State party had, in the wake of a financial crisis, managed to keep disability-related social spending at pre-crisis levels.

50. **Mr. Babu** asked what mechanisms were in place to ensure access to justice for persons with disabilities, especially those who were deaf or hard of hearing. He inquired how persons with disabilities obtained legal representation and who bore the cost of such representation.

51. **Mr. Parra Dussan** asked what safeguards were in place to ensure that persons with disabilities were not forcibly confined because of their disabilities or because they were found unfit to stand trial. He wondered whether the State party had a personal assistance system to enable persons with severe disabilities to live independently.

52. **Mr. Martin**, noting that according to paragraph 361 of the State party's report persons with mental impairments could stay for up to 30 days in government institutions, asked what was meant by the term "mental impairments". He wondered whether the 30 days could be extended for a person's entire life.

53. **Mr. Kim** Hyung Shik asked whether the authorities were not concerned about the relatively large number of persons in the State party deemed to lack legal capacity. He enquired what steps were taken to ensure that those persons' guardians acted in their charges' best interests, and whether the practice of supported decision-making had been given legal recognition. It would be interesting to know how the €90 million provided by the European Union had contributed to the deinstitutionalization of persons with disabilities. Lastly, he wondered why only persons with intellectual or psychosocial disabilities were included in the State party's deinstitutionalization efforts.

54. **Mr. Buntan** said that he would welcome a comment from the delegation on the practical outcome of the State party's public embrace of disability-inclusive disaster risk reduction. It would be interesting to know, for example, whether persons with disabilities had been involved in the development of disaster prevention and preparedness plans.

55. He asked whether the State party encouraged persons with disabilities to work as lawyers, judges or prosecutors or as judicial officials of other kinds, and whether any form of reasonable accommodation was provided to persons deemed to have partial legal capacity who were accused of crimes and found fit to stand trial. It would be helpful to hear the difference between the resources budgeted for the maintenance of institutions for persons with disabilities and those for efforts to help them live independently.

56. **The Chair** said that she was concerned about the provisions for guardianship in the State party, which appeared not to comply fully with article 12. She asked whether there were plans to introduce supported decision-making. In connection with the confinement and forced treatment of persons with disabilities, she wished to draw the attention of the delegation to the Committee's guidelines on article 14.

57. With regard to corrections facilities for minors, she asked whether any mechanisms were in place to prevent exploitation, violence and abuse, to which women with disabilities were especially vulnerable, and whether the facilities and programmes designed to serve persons with disabilities were effectively monitored by independent authorities. She wondered whether the State party had any plans to amend the legal provisions that evidently made it possible to place children under 2 years of age in long-term care institutions.

58. **Mr. Ruskus** said that he was concerned about the State party's implementation of article 19, not least because public funding for personal assistance was insufficient and the process of securing such assistance involved considerable bureaucratic rigmarole. It would be interesting to learn more about the State party's deinstitutionalization efforts. In particular, he wondered whether the deinstitutionalization process was independently monitored in cooperation with organizations of persons with disabilities and what plans were in place to ensure that the process would continue once funds from the European Union were no longer available. Other concerns on which the delegation should comment included the involuntary committal of persons with disabilities and the absence of protocols for the medical treatment, including through psychotropic drugs, of persons with psychosocial disabilities who could not make their wishes known. The failure to accommodate persons with intellectual or psychosocial disabilities in judicial proceedings was also troubling.

*The meeting rose at 5.25 p.m.*